

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JAMES KOWALSKI, JR.,
Defendant.

Case No. CR18-68RSL

ORDER DENYING
MOTION FOR EARLY
TERMINATION OF
SUPERVISED RELEASE

This matter comes before the Court on defendant Mr. Kowalski’s “Motion for Early Termination of Supervised Release.” Dkt. #5. On February 27, 2013, Mr. Kowalski pleaded guilty to possession with intent to distribute 1 kilogram or more of heroin. He was sentenced to 36 months in custody and three years of supervised release. Dkt. #5 at 1. As a special condition, he was also ordered to complete 200 hours of community service within the first two years of supervised release. *Id.* at 2. Mr. Kowalski began his supervised release on October 17, 2016, and this Court accepted jurisdiction of supervision on March 27, 2018. Dkt. #1.

The Court “may, after considering the factors set forth in [18 U.S.C. § 3553(a)] ... terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release ... if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). When deciding whether to grant early termination, the Court “enjoys discretion to consider a wide range of circumstances.” United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014). The Court

1 also maintains "broad discretion to modify conditions of supervised release." United States v.
2 Bainbridge, 746 F.3d 943, 948 (9th Cir. 2014); see 18 U.S.C. § 3583(e)(2). This includes
3 community service. United States v. Poseley, No. CR-03-00344-PHX-DGC, 2013 WL 173759,
4 at *1 (D. Ariz. Jan. 16, 2013).

5 The Court is pleased to learn that Mr. Kowalski is doing well under supervised release. It
6 appreciates his efforts in securing employment at Safeco Field, Buffalo Wild Wings, and Kigo
7 Kitchen, and in working to financially support his children. Dkt. #5 at 3-4; Dkt. #5-1. It
8 acknowledges that his supervised release makes him ineligible for access credentials with at
9 least one of Kigo Kitchen's corporate customers, hindering his work. Id.

10 The Court cannot turn a blind eye to his 170 unsatisfied community service hours, but it
11 will exercise its discretion to modify the conditions of his supervised release and reduce the
12 number of hours from 200 to 100. The Court encourages Mr. Kowalski to continue his excellent
13 behavior, and to re-apply for an early termination after completing his community service hours.

14 For the foregoing reasons, the motion, Dkt. # 5, is DENIED. The Court hereby ORDERS
15 that the conditions of Mr. Kowalski's supervised release be modified to reduce his community
16 service hours from 200 to 100.

17
18 DATED this 6th day of February, 2019.

19
20
21
22
23
24
25
26
27
28 
Robert S. Lasnik
United States District Judge